

October 19, 2017

Regional Freedom of Information Officer
U.S. EPA, Region 7
11201 Renner Boulevard
Lenexa, KS 66219
Submitted via FOIA online

Dear FOIA Officer:

On behalf of Missouri Coalition for the Environment (MCE), we request the following documents pursuant to the Freedom of Information Act, amending the previous FOIA request EPA-R7-2017-005028, dated July 13, 2017. For purposes of this request, the term “documents” includes, but is not limited to, memoranda, notes, correspondence, e-mails, reports, studies, agreements, recordings, permits, and other information.

1. All documents from January 1, 2017 to the present involving communications with or between, EPA, the Missouri Department of Natural Resources (“MDNR”), and/or the Missouri Petroleum Storage Tank Insurance Fund (“PSTIF”) regarding the Draft FY 2016 Program Review Report Missouri’s Underground Storage Tank Program Corrective Action Component, dated November 23, 2016 (“Draft Report”), the review that led up to the Draft Report, and the FY 2016 Program Review Report Missouri’s Underground Storage Tank Program Corrective Action Component, date May 19, 2017 (“Final Report”) and any follow-up reports related to Missouri’s Underground Storage Tank Program.
2. All documents from January 1, 2017 to the present, which are not contained in the appendices to the FY 2016 Program Review Report Missouri’s Underground Storage Tank Program Corrective Action Component, and which are related to the preparation of the Draft Report and any Final Report or follow-up reports, including but not limited to copies of MDNR, PSTIF, or consultant files, and notes or recordings of interviews with DNR or PSTIF personnel and/or consultants such as described on page 16 of the Final Report and on pages 15-16, and 18 of the Draft Report.

On behalf of MCE, we request a fee waiver under FOIA. MCE plays an active role in seeking to protect the environment and public health in Missouri. It is a non-profit organization that serves as a source of public education and awareness through direct connection with the public and through work with other organizations, including organizations with a particular interest in environmental justice.

As before, disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and MCE does not have a commercial interest in the requested information. As

discussed below, MCE satisfies the EPA's criteria for a FOIA fee waiver as set forth in 40 C.F.R. § 2.107(l)(2) and (3):

(2)(i) Whether the subject of the requested records concerns the operations or activities of the government. The requested documents were generated by EPA Region 7, during the course of its regularly scheduled program review of the MDNR Underground Storage Tanks Program, a program for which EPA has statutory oversight.

(2)(ii) Whether the disclosure is likely to contribute to an understanding of government operations or activities. The requested documents will be meaningful to MCE, its members, and members of the public, who are concerned about groundwater pollution, fumes from leaking tanks, and public health in Missouri. In recent years, a number of leaking tank sites have been located in low-income and/or minority neighborhoods, as discussed in the Draft Report. Neighbors were not informed of the leaks or the remedial efforts until they stumbled across the facts on their own.¹

MCE plans specific outreach to these and similar areas around the state, including the publication of a "Know Your Rights" brochure. MCE posts information on its website and newsletters, and participates in community forums and public hearings regarding environmental pollution and environmental justice issues in Missouri. The public benefits from MCE's access to these requested documents by being able to review and understand the issues and conflicts, leading to delays and other obstacles to prompt clean-up of underground storage tank leaks and how to advocate for better governmental and responsible party action.

(2)(iii) Whether disclosure of the requested information will contribute to public understanding. MCE works in partnership with other organizations to understand the significance of the requested documents and conveys the information in understandable terms to the general public, including through on-line resources and hard-copy resources like the Know Your Rights brochure, and through meetings with affected parties.

(3)(i) The existence and magnitude of a commercial interest and (3)(ii) The primary interest in disclosure. MCE is a not-for-profit public interest organization and has no commercial or economic interest in the requested documents. MCE's mission is to explore, enjoy, and protect the planet, including to educate and enlist citizens to protect and restore the quality of the nature and human environment.

We hope this demonstrates that MCE is entitled to a fee waiver with respect to this FOIA request.

Please let me know if you have any questions regarding the processing of this request.

¹ Melissa Yaeger, "Neighbors frustrated over lack of transparency concerning gasoline spills near their homes," kshb.com (Jul. 17 2015). Available at <http://www.kshb.com/news/local-news/investigations/neighbors-frustrated-over-lack-of-transparency-concerning-gasoline-spills-near-their-homes>.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Elizabeth Hubertz', with a stylized, cursive script.

Elizabeth Hubertz